



Revised 03/06 WDNY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

FORM TO BE USED IN FILING A CIVIL COMPLAINT IN FEDERAL COURT  
(Non-Prisoner Context)

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1. CAPTION OF ACTION

18 CV 6397 FPG

A. Full Name of Plaintiff: NOTE: If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application or the only plaintiff to be considered will be the plaintiff who filed an application.

Mandy M. Bass and Mandy M. Bass o/b/o  
Darin G. Bass

-vs-

B. Full Name(s) of Defendant(s) NOTE: Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. Add a separate sheet, if necessary.

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|--------------------------|----------|
| 1. Deverald Dillard      | 4. _____ |
| 2. Kiana Johnson Dillard | 5. _____ |
| 3. Hon. Joan Kohout      | 6. _____ |

2. STATEMENT OF JURISDICTION, VENUE and NATURE OF SUIT

All of these sections **MUST** be answered

Identify the basis for federal Court jurisdiction over your claim, such as that the United States government is a party to the action, all the parties reside in different states and therefore you claim diversity jurisdiction, or the claim presents a federal question or arises under federal law.

A. Basis of Jurisdiction in Federal Court: One or more parties reside in different states; my claim(s) presents civil rights violation(s) under federal law.

State why the Western District of New York is the proper venue for this action, such as that your claim arises in or the defendant resides in the 17 westernmost counties of New York State.

B. Reason for Venue in the Western District: Claim(s) arose in Monroe County, NYS.  
Monroe County is one of 17 westernmost counties of NYS.

Identify the nature of this action, such as that it is a civil rights claim, a personal injury or personal property (tort) claim, a property rights claim, or whatever it is.

C. Nature of Suit: Civil rights claim

**3. PARTIES TO THIS ACTION**

**PLAINTIFF'S INFORMATION NOTE:** To list additional plaintiffs, use this format on another sheet of paper.

Name of First Plaintiff: Mandy M. Bass

Present Address: 102 Clay Avenue, Down, Rochester, NY 14613

Name of Second Plaintiff: Davin G. Bass

Present Address: 53 Post Avenue, Rochester, NY 14619

**DEFENDANT'S INFORMATION NOTE:** To list additional defendants, use this format on another sheet of paper.

Name of First Defendant: Deverald Dillard

Official Position of Defendant (if relevant):

Address of Defendant: 3815 Cottage Avenue, Baltimore, MD (residence)  
or Deverald Dillard 10301 Philadelphia Rd, White Marsh, MD (place of employment)

Name of Second Defendant: Kiana Johnson Dillard

Official Position of Defendant (if relevant):

Address of Defendant: 53 Post Avenue, Rochester, NY 14619

Name of Third Defendant: Hon. Joan Kohout

Official Position of Defendant (if relevant): Family Court Judge

Address of Defendant: 99 Exchange Blvd., #353, Rochester, NY 14614 and  
32 Beverly St., Rochester, NY 14610

**4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT**

A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ☐ No ☒

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s):

Defendant(s): \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county): \_\_\_\_\_

3. Docket or Index Number: \_\_\_\_\_

4. Name of Judge to whom case was assigned: \_\_\_\_\_

5. The approximate date the action was filed: \_\_\_\_\_

6. What was the disposition of the case?

Is it still pending? Yes \_\_\_\_\_ No \_\_\_\_\_

If not, give the approximate date it was resolved. \_\_\_\_\_

Disposition (check those statements which apply):

\_\_\_\_\_ Dismissed (check the statement which indicates why it was dismissed):

\_\_\_\_\_ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

\_\_\_\_\_ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

\_\_\_\_\_ By court due to your voluntary withdrawal of claim;

\_\_\_\_\_ Judgment upon motion or after trial entered for

\_\_\_\_\_ plaintiff

\_\_\_\_\_ defendant.

## 5. STATEMENT OF CLAIM

**Please note** that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, just tell the story of what happened and do not use legal jargon.

**Fed.R.Civ.P. 8(a)** states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

**Fed.R.Civ.P. 10(b)** states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

**A. FIRST CLAIM:** On (date of the incident) Kindy see "Claim's attached",  
defendant (give the name and (if relevant) the position held of each defendant involved in this incident) \_\_\_\_\_

did the following to me (*briefly state what each defendant named above did*): \_\_\_\_\_

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The federal basis for this claim is: \_\_\_\_\_

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State briefly **exactly** what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes:*

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**B. SECOND CLAIM:** On (*date of the incident*) Kindly see "claims" attached  
defendant (*give the name and (if relevant) position held of each defendant involved in this incident*) \_\_\_\_\_

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did the following to me (*briefly state what each defendant named above did*): \_\_\_\_\_

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The federal basis for this claim is: \_\_\_\_\_

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State briefly **exactly** what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes:*

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**If you have additional claims, use the above format to set them out on additional sheets of paper.**

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CLAIMS 1-6

CLAIM 1 08/14/15

- DEVERALD DILLARD RETURNED DAVIN BASS BEAT UP, EXHIBITS A, B, C

Federal Basis: Civil Rights Violation

Requested relief to the Court: Custody of Davin Bass to be returned to Mandy Bass

CLAIM 2 08/19/18

- ROCHESTER POLICE DEPT MAKES CONTACT WITH DEVERALD DILLARD, EXHIBIT D
- DEVERALD DILLARD FILES A PETITION WITH MONROE COUNTY FAMILY COURT STATING I WONT ALLOW HIM VISIT WITH DAVIN BASS, EXHIBIT F
- CORRESPONDENCE WAS MADE WITH RPD IN REGARDS TO DEVERALD DILLARD INVESTIGATION, EXHIBIT E

Federal Basis: Civil Rights Violation

Requested relief to the Court: Custody of Davin Bass to be returned to Mandy Bass

CLAIM 3 09/22/18

- ON SEPTEMBER 22<sup>nd</sup>, 2015 JUDGE KOHOUT WAS INFORMED IN COURT OF THE ABUSE AND REQUEST FOR ORDER OF PROTECTION WAS MADE O/B/O DAVIN BASS AGAINST DEVERALD DILLARD. JUDGE KOHOUT GRANTS ORDER FOR DEVERALD DILLARD TO PICK DAVIN BASS UP FROM HIS PRE-K CLASS ON WEDNESDAY SEPTEMBER 23<sup>rd</sup>, 2015, EXHIBIT G

Federal Basis: Civil Rights Violation

Requested relief to the Court: Custody of Davin Bass to be returned to Mandy Bass

**CLAIM 4** 09/29/15

- DEVERALD DILLARD FILES AN ORDER TO SHOW CAUSE, JUDGE KOHOUT GRANTES ORDER TO SHOW CAUSE BASED ON DEVERALD DILLARD'S TESTIMONY, GRANTING DEVERALD DILLRD TEMPORARY CUSTODY OF DAVIN BASS, EXHIBITS H, I
  - ALSO GRATING IN ORDER A STAY AWAY FOR STEPHAN BLEDSOE, HOWEVER DEVERALD DILLARD NEVER METIONED ANYTHING IN REGARDS TO STEPHAN BLEDSOE IN HIS INITIAL PETITION ON 08/19/18, EXHIBIT B

Federal Basis: Civil Rights Violation

Requested relief to the Court: Custody of Davin Bass to be returned to Mandy Bass

**CLAIM 5** 11/16/15

- ON NOVEMBER 16<sup>th</sup>, 2015 JUDGE KOHOUT PUTS MANDY BASS IN JAIL FOR VIOLATING A COURT ORDER AND REFUSING TO BRING DAVIN BASS FOR AN IN CHAMBERS INTERVIEW. JUDGE KOHOUT IS AWARE OF THE CHARGES AGAINST DEVERALD DILLARD AT THIS TIME AND REFUSES TO CONSIDER THE EVEIDENCE AGAINST DEVERALD DILLARD FORM CRIMINAL MATTER, EXHIBITS A, B, C
- ON NOVEMBER 18<sup>th</sup>, 2015 JUDGE YAKNIN IN CRIMINAL COURT GRANTS ORDERS OF PROTECTION FOR MANDY BASS AND DAVIN BASS AGAINST DEVERALD DILLARD FOR THE MATTER IN CRIMINAL COURT AS DEVERALD DILLARD IS CHARGED WITH ENDANGERING THE WELFARE OF A CHILD, EXHIBIT I J

Federal Basis: Civil Rights Violation

Requested relief to the Court: Custody of Davin Bass to be returned to Mandy Bass

**CLAIM 6** 12/28/15 – CURRENT

DEVERALD DILLARD AND KIANA JOHNSON DILARD HAVE BEEN WITHHOLDING AND VIOLATING MANDY BASS AND DAVIN BASS RIGHTS TO A CHILD PARENT RELATIONSHIP, WITH THE ORDERS AND MISTREATMENT OF HON. KOHOUT TOWARDS MANDY BASS AND DAVIN BASS

- 12/28/15, MANDY BASS FILED POLICE REPORT WITH RPD IN REGARDS TO NOT RECEIVING NIGHTLY OHONE CALLS FORM DAVIN BASS AS ORDERED IN FAMILY COURT ORDER, EXHIBIT L

- 04/27/16, MANDY BASS FILED PETITION IN FAMILY COURT IN REGARDS TO POLICE REPORT FILED ON 12/28/15 AND NUMEROUS TIMES I HAD NOT SPOKEN TO DAVIN BASS AND THE CONTINUAL DISREGARD OF DEVERALD DILLARD FOR THE RELATIONSHIP BETWEEN MANDY BASS AND DAVIN BASS, EXHIBIT M
- 07/05/16, COURT ORDER IN REGARDS TO MY VISITAION TIMES AND DAILY PHONE CALLS BETWEEN DAVIN BASS AND MANDY BASS, AS I HAD NOT RECEIVED ANY VISITATION/CONTACT WITH MY SON DAVIN BASS SINCE NOVEMBER 29, 2015, EXHIBIT N
- 07/13/16, MANDY BASS FILED A PETITION WITH FAMILY COURT MY ATTEMPTS TO MAKE CONTACT WITH DEVERALD DILLARD AND MY SON DAVIN BASS, ANOTHER WAY DEVERALD DILLARD HAS TRIED TO DAMAGE THE RELATIONSHIP BETWEEN DAVIN BASS AND MANDY BASS, EXHIBIT O
- 09/06/16, NUMEROUS TIMES PHONE CALLS WERE NOT PROVIDED, VISITS WERE MISSED ON BEHALF OF DEVERALD DILLARD, AS WELL AS NEW FINDINGS FROM 11/2015 TRILA TESTIMONY. THIS EVIDENCE WAS PRESENTED TO JUDGE KOHOUT IN THIS PETITION AND WAS NOT CONSIDERED BY JUDGE KOHOUT, NEITHER WERE ANY OF THE VIOLATIONS THAT DILLARD COMMITTED AGAINST THE RELARTIONSHIP OF MANDY BASS AND DAVIN BASS, EXHIBIT P
- 06/01/17, MANDY BASS FILED PETITION IN FAMILY COURT REPORTING DEVERALD DILLARD IS NOT LIVING WITH DAVIN BASS, HE HAS ABANDONED DAVIN BASS WITH HIS WIFE KIANA DILLARD. MANDY BASS REQUESTED JOINT CUSTODY AT THIS PONT AND REQUESTED KIANA DILLARD HAVE NOT RIGHTS TO MAKE ANY DECISION IN REGARDS TO DAVIN BASS, ALSO NOTED THE CONTINUAL VIOLATIONS THAT DEVERALD DILLARD COMMITS AGAINST THE RELATIONSHIP BETWEEN MANDY BASS AND DAVIN BASS, EXHIBIT Q
- 06/21/17, DEVERALD DILLARD TEXT MANDY BASS TO PICK DAVIN UP FROM SCHOOL, GIVNING MANDY BASS PERMISSION TO KEEP DAVIN IN HER HOME, AND LIFTS THE STAY AWAY ORDER FROM STEPHAN BLEDSOE, EXHIBIT R
- 06/21/17, KIANAN DILLARD FILES A PETITION WITH FAMILY COURT FOR CUSTODY OF DAVIN BASS AGAINST DEVERALD DILLARD AND MANDY BASS, INFORMING THE COURT THAT DEVERALD DILRD IS IN FACT LIVING AND WORKING IN ANOTHER STATE AND THAT DEVERALD DILLARD HAS NOT BEEN LIVING WITH DAVIN BASS SINCE 03/24/17, WHEN HER HUSBAND "SIGNED HIM OVER" TO HER. ANOTHER EXAMPLE OF HOW DEVERALD DILLARD AND KIANA JOHNSON DILLARD HAVE TRIED TO PREVENT THE CHILD PARETN RELATIONSHIP BETWEEN MANDY BASS AND DAVIN BASS, EXHIBIT S
- 07/07/17, MANDY BASS FILED A PETITION IN FAMILY COURT, AS DEVERALD DILLARD CALLED THE SUMMER SCHOOL DAVIN BASS WAS ATTENDING AND REQUESTED DAVIN BE RETURNED TO KIANA JOHNSON DILLARD, AFTER DAVIN BASS HAD BEEN LIVING WITH MANDY BASS AND STEPHNA BLEDSOE SONCE 06/21/17, EXHIBIT T

- 07/12/17, DEVERALD DILLARD SUBMITS AN AFFIDAVIT TO FAMILY COURT STATIN HE LIVES AND WORKS IN BALTIMORE, MD, EXHIBIT U
- 12/11/17, DEVERALD DILLARD FILES A PETITION IN FAMILY COURTLYING THAT MANDY BASS ALOWED DAVIN BASS CONTACT WITH STEPHAN BLEDSOE, AND THAT DURING THE SUMMER (2017), MANDY BASS VIOLATED THE COURT ORDER BY HAVING DAVIN BASS LIVING WITH HER AND STEPHAN BLEDSOE, WHEN DEVERALD DILLARD STATED IN TEXT MESSAGE AS WELL AS VERBALLY TO MANDY BASS AND HER MOTHER THAT DEVERALD DILLARD WAS GIVNING DAVIN BASS BACK TO MANDY BASS AND STEPHAN BLEDSOE, EXHIBIT W
- I HAVE ALSO PROVIDED COURT MINUTES SHOWING THAT NUMEROUS TIMES DEVERA DILLARD STATES HE WILL BE COMING BACK TO ROCHESTER, AS OF THIS DATE DEVERALD DILLARD IS STILL LIVING AND WOKRING IN BALTIMORE, MD, HAVING ABANDONDED HIS SON AND WITH THE HELP OF KIANA DILLARD HAS CONTINUALLY DISREGARDED THE RELATIONSHIP BETWEEN MANDY BASS AND DAVIN BASS, EXHIBIT Y

Federal Basis: Civil Rights Violation

Requested relief to the Court: Custody of Davin Bass to be returned to Mandy Bass



**6. SUMMARY OF RELIEF SOUGHT**

*Summarize the relief requested by you in each statement of claim above.*

I am requesting the Court to find in favor  
of me and my son. I am requesting Custody  
of Darin G. Bass be returned/granted to  
Wandy Bass.

Do you want a jury trial? Yes ☐ No ☒

**I declare under penalty of perjury that the foregoing is true and correct.**

Executed on 5/30/18  
(date)

**NOTE: Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.**

Wandy Bass

Signature(s) of Plaintiff(s)